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Legal & Regulatory Group

June 4, 2004

Docket Management Facility
National Highway Traffic Safety Administration (NHTSA)
U.S. Department of Transportation
400 Seventh Street, SW
Nassif Building (Room PL-401)
Washington, DC 20590-001

Re: Results of the Survey on the Use of Passenger Air Bag
On-Off Switches; Technical Report; DOT HS 809 689,
November 2003

The National Automobile Dealers Association (NADA) represents 20,000 franchised automobile and truck dealers who sell new and used motor vehicles and engage in service, repair and parts sales. Together they employ in excess of 1,250,000 people nationwide, yet approximately 50% are small businesses as defined by the Small Business Administration.

Last winter, NHTSA asked for comments on the abovementioned Technical Report. (69 Fed. Reg. 5660-1, February 5, 2004). The report focuses on manufacturer-installed passenger air bag on-off switches in pickup trucks. In response, NADA offers the following.

Vehicle manufacturers have installed passenger air bag on-off switches since the mid-1990s in pickup trucks and other vehicles unable to accommodate a rear-facing child safety seat anywhere except in the front passenger seat. NHTSA's rules allow them to continue to install such switches until 2012. The aftermarket installation of passenger air bag on-off switches, or the deactivation of passenger side air bags, also has been allowed in certain limited circumstances and with NHTSA's prior approval since the late 1990s,

Generally, passenger air bags should be kept activated unless a child 12 years-old or younger is seated in a right or center front passenger seating position. If possible, children 12 years-old or younger should be properly secured in another passenger seating position.

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In 2000, NHTSA conducted a survey of operators of vehicles equipped with passenger side air bags. Based on that survey, NHTSA found that the overwhelming majority of these operators knew of the passenger air bag switch's existence, knew how to work it, and knew when the bag should be turned on or off. Nonetheless, NHTSA's survey suggests that some of these operators weren't always properly turning the bag on and off when they should. Also, there is some concern that occasional operators and subsequent owners and of these vehicles may be less aware of the passenger air-bag switches and their proper operation.

Despite the survey's suggestion that some owner/operators are not (intentionally or otherwise) operating the switch properly, NHTSA has documented only three cases where a child (12 years-old or younger) in the front seat of a pickup arguably was killed by a switch-equipped air bag in a low speed crash. In each case, the children were unrestrained. Apparently in the same time period, only one child was killed by an air bag in pickup without a switch.

With respect to adults, the Technical Report fails to identify how many adults passengers in switch-equipped vehicles were killed in crashes because the switch was off and arguably they would have been saved by the air bag had it been on. Instead, NHTSA estimates that at most, 17 of these passengers would have lived had the bag been on. NHTSA's analysis unquestionably applies general air bag effectiveness rates to a narrow universe of switch-equipped pick-up truck passenger-only adult fatalities. Instead, NHTSA should narrow the fatalities reviewed to those involving crashes where air bags could possibly have made a difference, should attempt to determine whether the bags were on or off, and should compare its results to actual passenger fatalities in similar crashes involving pickups equipped with air bags, but not switches.

NADA is also concerned that the survey itself involved data collection which occurred in a mix of metropolitan and non-metropolitan counties, but was not a national probability sample.

While the number of deaths due to improper switch operation appear to be very small compared to the number of lives saved due to proper switch operation, NADA stands ready to discuss with NHTSA, perhaps through the Air Bag and Safety Campaign, whether additional messages and information distribution strategies specifically aimed at operators of switch equipped vehicles are warranted. Moreover, NADA suggests that NHTSA consider whether additional outreach is warranted on the importance of proper air bag replacement (following deployment, theft, etc.), service and/or repair.

On behalf of NADA, I thank NHTSA for the opportunity to comment on this matter.

Respectfully submitted,

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